

§ 33.124

section 1332 waiver will provide that the State will perform periodic reviews of the implementation of the section 1332 waiver.

(2) The Secretary and the Secretary of Health and Human Services will review documented complaints that a State is failing to comply with requirements specified in the terms and conditions of any approved section 1332 waiver.

(3) The Secretary and the Secretary of Health and Human Services will promptly share with a State any complaint that the Secretary and the Secretary of Health and Human Services has received and will also provide notification of any applicable monitoring and compliance issues.

(c) *Post award.* Within 6 months after the implementation date of a section 1332 waiver and annually thereafter, a State must hold a public forum to solicit comments on the progress of a section 1332 waiver. The State must hold the public forum at which members of the public have an opportunity to provide comments and must provide a summary of the forum to the Secretary of Health and Human Services as part of the quarterly report specified in § 33.124(a) that is associated with the quarter in which the forum was held, as well as in the annual report specified in § 33.124(b) that is associated with the year in which the forum was held.

(1) The State must publish the date, time, and location of the public forum in a prominent location on the State's public Web site, at least 30 days prior to the date of the planned public forum.

(2) [Reserved]

(d) *Terminations and suspensions.* The Secretary and the Secretary of Health and Human Services reserve the right to suspend or terminate a section 1332 waiver in whole or in part, at any time before the date of expiration, whenever the Secretaries determine that a State has materially failed to comply with the terms of a section 1332 waiver.

(e) *Closeout costs.* If all or part of a section 1332 waiver is terminated or suspended, or if a portion of a section 1332 waiver is withdrawn, Federal funding is limited to normal closeout costs associated with an orderly termination, suspension, or withdrawal, in-

31 CFR Subtitle A (7-1-12 Edition)

cluding service costs during any approved transition period, and administrative costs of disenrolling participants.

(f) *Federal evaluators.* (1) A State must fully cooperate with the Secretary, the Secretary of Health and Human Services, or an independent evaluator selected by the Secretary or the Secretary of Health and Human Services to undertake an independent evaluation of any component of a section 1332 waiver.

(2) As part of this required cooperation, a State must submit all requested data and information to the Secretary, the Secretary of Health and Human Services, or the independent evaluator.

§ 33.124 State reporting requirements.

(a) *Quarterly reports.* A State must submit quarterly reports to the Secretary of Health and Human Services in accordance with the terms and conditions of the State's section 1332 waiver. These quarterly reports must include, but are not limited to, reports of any ongoing operational challenges and plans for and results of associated corrective actions.

(b) *Annual reports.* A State must submit an annual report to the Secretary of Health and Human Services documenting all of the following:

(1) The progress of the section 1332 waiver.

(2) Data on compliance with section 1332(b)(1)(A) through (D) of the Affordable Care Act.

(3) A summary of the annual post-award public forum, held in accordance with § 33.120(c), including all public comments received at such forum regarding the progress of the section 1332 waiver and action taken in response to such concerns or comments.

(4) Other information consistent with the State's approved terms and conditions.

(c) *Submitting and publishing annual reports.* A State must submit a draft annual report to the Secretary of Health and Human Services no later than 90 days after the end of each waiver year, or as specified in the waiver's terms and conditions.

(1) Within 60 days of receipt of comments from the Secretary of Health

and Human Services, a State must submit to the Secretary of Health and Human Services a final annual report for the waiver year.

(2) The draft and final annual reports are to be published on a State's public Web site within 30 days of submission to and approval by the Secretary of Health and Human Services, respectively.

§ 33.128 Periodic evaluation requirements.

(a) The Secretary and the Secretary of Health and Human Services shall periodically evaluate the implementation of a program under a section 1332 waiver consistent with guidance published by the Secretary and the Secretary of Health and Human Services and any terms and conditions governing the section 1332 waiver.

(b) Each periodic evaluation must include a review of the annual report or reports submitted by the State in accordance with § 33.124 that relate to the period of time covered by the evaluation.

PART 50—TERRORISM RISK INSURANCE PROGRAM

Subpart A—General Provisions

Sec.

- 50.1 Authority, purpose and scope.
- 50.2 Responsible office.
- 50.4 Mandatory participation in Program.
- 50.5 Definitions.
- 50.6 Rules of construction for dates.
- 50.7 Special rules for Interim Guidance Safe Harbors.
- 50.8 Procedure for requesting determinations of controlling influence.
- 50.9 Procedure for requesting general interpretations of statute.

Subpart B—Disclosures as Conditions for Federal Payment

- 50.10 General disclosure requirements.
- 50.11 Definition.
- 50.12 Clear and conspicuous disclosure.
- 50.13 Offer, purchase, and renewal.
- 50.14 Separate line item.
- 50.15 Cap disclosure.
- 50.17 Use of model forms.
- 50.18 Notice required by reinstatement provision.
- 50.19 General disclosure requirements for State residual market insurance entities and State workers' compensation funds.

Subpart C—Mandatory Availability

- 50.20 General mandatory availability requirements.
- 50.21 Make available.
- 50.23 No material difference from other coverage.
- 50.24 Applicability of State law requirements.

Subpart D—State Residual Market Insurance Entities; Workers' Compensation Funds

- 50.30 General participation requirements.
- 50.33 Entities that do not share profits and losses with private sector insurers.
- 50.35 Entities that share profits and losses with private sector insurers.
- 50.36 Allocation of premium income associated with entities that do share profits and losses with private sector insurers.

Subpart E—Self-Insurance Arrangements; Captives [Reserved]

Subpart F—Claims Procedures

- 50.50 Federal share of compensation.
- 50.51 Adjustments to the Federal share of compensation.
- 50.52 Initial Notice of Insured Loss.
- 50.53 Loss certifications.
- 50.54 Payment of Federal share of compensation.
- 50.55 Determination of Affiliations.

Subpart G—Audit and Investigative Procedures

- 50.60 Audit Authority
- 50.61 Recordkeeping

Subpart H—Recoupment and Surcharge Procedures

- 50.70 Mandatory and discretionary recoupment.
- 50.71 Determination of recoupment amounts.
- 50.72 Establishment of Federal Terrorism Policy Surcharge.
- 50.73 Notification of recoupment.
- 50.74 Collecting the surcharge.
- 50.75 Remitting the surcharge.
- 50.76 Insurer responsibility.

Subpart I—Federal cause of action; Approval of settlements

- 50.80 Federal cause of action and remedy.
- 50.81 State causes of action preempted.
- 50.82 Advance approval of settlements.
- 50.83 Procedure for requesting approval of proposed settlements.
- 50.84 Subrogation.
- 50.85 Amendment related to settlement approval.